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8 UNITED STATES DISTRICT COURT
9 FOR THE EASTERN DISTRICT OF CALIFORNIA
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11 ALAMIN SAMAD,

12 Petitioner,

13 v.

14 SUPERIOR COURT OF CALIFORNIA
15 COUNTY OF SACRAMENTO,

16 Respondent.
17

No. 2:21-cv-01022 GGH P

ORDER

18 Petitioner is a state prisoner proceeding in pro se with a petition for writ of habeas corpus
19 pursuant to 28 U.S.C. § 2254. Petitioner has paid the filing fee.

20 Rule 2 of the Rules Governing Section 2254 Cases provides that the petition: “shall
21 specify all the grounds for relief which are available to the petitioner and of which he has or by
22 the exercise of reasonable diligence should have knowledge and shall set forth in summary form
23 the facts supporting each of the grounds thus specified.” Rule 2(c), Rules Governing Section
24 2254 Cases. Petitioner must also clearly state the relief sought in the petition. Id. Additionally,
25 the Advisory Committee Notes to Rule 4 explains that “notice pleading is not sufficient, for the
26 petition is expected to state facts that point to a real possibility of constitutional error.” Advisory
27 Committee Notes to Rule 4; see Blackledge v. Allison, 431 U.S. 63, 75, n.7 (1977).

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1 Petitioner avers he seeks to pursue a habeas action pursuant to 28 U.S.C. § 2254. ECF No.
2 1 at 1 ¶2. However, petitioner further alleges he seeks to file a motion to set aside judgment,
3 citing Fed. R. Civ. P. 60. Id. at 1 ¶3. It is unclear the conviction petitioner is seeking attack, nor
4 the grounds for relief petitioner is alleging. At this stage in screening, the undersigned is unable to
5 discern whether petitioner is entitled to any relief through this habeas action.

6 The petition fails to comply with Rule 2(c), Rules Governing Section 2254 Cases.
7 Therefore, the habeas petition is dismissed with leave to amend. Rule 4, Rules Governing
8 Section 2254 Cases. In the amended petition, petitioner must set forth each claim for relief and
9 summarize the facts he alleges support each of the identified claims. Moreover, petitioner must
10 address whether each ground for relief has been presented to the California Supreme Court.

11 Petitioner has also filed a Motion for Relief from Judgment, ECF No. 4. In the context of
12 this case, there has been no judgment or order issued to correct. Accordingly, the motion will be
13 denied.

14 Accordingly, IT IS HEREBY ORDERED that:

- 15 1. Petitioner's Motion for Relief from Judgment (ECF No. 4) is denied;
- 16 2. Petitioner's petition for writ of habeas corpus is dismissed with leave to amend within
17 thirty days from the date of this order;¹
- 18 3. Any amended petition must bear the case number assigned to this action and the title
19 "First Amended Petition"; and
- 20 4. The Clerk of the Court is directed to send petitioner the court's form application for
21 writ of habeas corpus.

22 Dated: June 24, 2021

23 /s/ Gregory G. Hollows
24 UNITED STATES MAGISTRATE JUDGE
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27 _____
28 ¹ By setting this deadline the court is making no finding or representation that the petition
is not subject to dismissal as untimely.